

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
112713-486 (ALT 5604D N4)

In Re Application: Connell, M., et al.

Serial No.  
10/695,526

Filing Date  
October 27, 2003

Examiner  
Unknown

Group Art Unit  
Unknown

**METHOD AND APPARATUS FOR KIDNEY DIALYSIS**



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Dated: February 12, 2004

Robert M. Barrett (Reg. No. 30,142)

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Title: **METHOD AND APPARATUS FOR KIDNEY DIALYSIS**



Address to:  
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**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Connell, M., et al.  
Appl. No.: 10/695,526  
Conf. No.: Unknown  
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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 37 C.F.R. 1.97, and 37 C.F.R. 1.98, Applicants request that a citation and examination of the documents identified herein and on the attached PTO-1449 form, copies of which are enclosed, be made during the course of examination of the above-identified application for United States patent.

Applicants note that U.S. Patents from which the above-identified application claims priority (i.e., U.S. Patent Nos. 5,744,027, 5,486,286, and 5,247,434) are presently the subject of a pending litigation styled *Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc. v. Baxter International Inc. and Baxter Healthcare Corp.*, Case No. C 03-1431 SBA, United States District Court, Northern District of California, Oakland Division. A copy of the Complaint as well as a copy of defendants' Answer are attached hereto as Exhibits A and B, respectively. In the course of that litigation, the documents listed herein were cited in Fresenius Medical Care Holdings, Inc.'s And Fresenius USA, Inc.'s Preliminary Invalidity Contentions Pursuant To patent L.R. 3-3 filed with the court, a copy of which is attached hereto as Exhibit C, concerning the patents enumerated above and other patents in suit (i.e., U.S. Patent Nos. 5,326,476 and 6,284,131).

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<u>Document No.</u>	<u>Date</u>	<u>Inventor</u>
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4,153,554	May 8, 1979	von der Heide et al.
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4,942,514	July 17, 1990	Miyagaki et al.
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5,119,295	June 2, 1992	Kapur
5,189,609	February 23, 1993	Tivig et al.

#### **FOREIGN PATENT DOCUMENTS**

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
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0 089 003 A2	September 21, 1983	Europe
WO 86/01115	February 27, 1986	PCT

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Dr. Richard A. Bolt, "Spatial Data Management, MIT, 1979, pp. 2-29.

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- Gentles, W., et al., "Programmable machine for dialyser reuse," Medical and Biological Engineering and Computing, vol. 18, November 1980, (pp. 765-771).
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Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,  
BELL, BOYD & LLOYD LLC

BY 

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Dated: February 12, 2004



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	Applicant Connell, M., et al.	
	Filing Date October 27, 2003	Group Unknown

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	3,515,275	June 2, 1970	D.B. Bowman				
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	OLD-COMPUTERS.COM: The Museum, HP-150 touch screen computer, sold or offered for sale by Hewlett Packard. See <a href="http://www.old-computers.com/museum/computer.asp?st=1&amp;c=139">http://www.old-computers.com/museum/computer.asp?st=1&amp;c=139</a> , as of 11/19/2003, (3 pgs.).
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	Filing Date October 27, 2003	Group Unknown

Examiner's Initials		<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>
		Seratron™ Dialysis Control System, Cordis Dow Corp., UF Rate Accuracy Intradialytic Measurements Actual vs. Display ml/hr, (20 pgs.).



Examiner:	Date Considered:
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	